

Austin & Rogers, P.A.

ATTORNEYS AND COUNSELORS AT LAW

WILLIAM FREDERICK AUSTIN
TIMOTHY F. ROGERS
RAYMON E. LARK, JR.
RICHARD L. WHITT

COLUMBIA OFFICE:
CONGAREE BUILDING
508 HAMPTON STREET, SUITE 300
POST OFFICE BOX 11716
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 256-4000
FACSIMILE: (803) 252-3679
WWW.AUSTINROGERSPA.COM

C.C. HARNESS, III
(1949-2010)

JEFFERSON D. GRIFFITH, III*
EDWARD L. EUBANKS
W. MICHAEL DUNCAN

* ALSO ADMITTED IN N.C.

May 15, 2013

VIA, ELECTRONIC FILING

The Honorable Jocelyn Boyd
Chief Clerk and Administrator
The Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

Re: • Docket Number 2013-59-E
• Joint Petition to Intervene

Dear Ms. Boyd:

Enclosed for filing, please find Petitioner, the Commission of Public Works of the City of Spartanburg, South Carolina and Petitioner, Spartanburg Sanitary Sewer District's Joint Petition to Intervene, Coversheet and Certificate of Service.

All parties of record have been served with this filing. Please notify the undersigned if you there is anything further, you may need.

Respectfully Submitted,

/S/ _____
Richard L. Whitt

RLW/cas

STATE OF SOUTH CAROLINA

(Caption of Case)

Application of Duke Energy Carolinas, LLC for
Authority to Adjust and Increase Its Electric Rates
and Charges

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET
NUMBER: 2013 - 59 - E

(Please type or print)

Submitted by: Richard L. Whitt
Address: Austin & Rogers, P. A.
508 Hampton Street, Suite 300
Columbia, South Carolina

SC Bar Number: 62895
Telephone: 803-251-7442
Fax: 803-252-3679
Other:
Email: Rlwhitt@AustinRogersPA.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

- ☐ Emergency Relief demanded in petition ☐ Request for item to be placed on Commission's Agenda expeditiously
- ☒ Other: Routine

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)			
<input checked="" type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request	
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certificatio	
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigatio	
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement	
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment	
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter	
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response	
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery	
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input checked="" type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition	
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation	
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena	
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff	
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:	
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest		
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit		
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report		

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2013-59-E**

IN RE: Application of Duke Energy Carolinas,)
 LLC for Authority to Adjust and Increase)
 Its Electric Rates and Charges)

JOINT PETITION
 TO
INTERVENE

INTRODUCTION

A Docket was opened in this matter before the Public Service Commission of South Carolina, (hereinafter, "Commission"), on February 15, 2013, and assigned the above-referenced Docket Number. Joint Petitioners herein, are the (i) Commission of Public Works of the City of Spartanburg, South Carolina and (ii) the Spartanburg Sanitary Sewer District. The Commission of Public Works of the City of Spartanburg, South Carolina's and the Spartanburg Sanitary Sewer District's, Joint Petition to Intervene, filed pursuant to R. 103-825, of this Commission's Rules and Regulations, follows:

JOINT PETITIONERS

Commission of Public Works of the City of Spartanburg, South Carolina.

1. The Commission of Public Works of the City of Spartanburg, South Carolina, oversees Spartanburg Water System, (hereinafter as, "SWS").
2. SWS owns and operates three drinking water treatment facilities and serves more than 180,000 residents in thirty communities, including all of the City of Spartanburg. Those thirty communities are located in four Counties, spanning from NE Greenville County, Spartanburg, Cherokee and Union Counties.

Spartanburg Sanitary Sewer District.

3. The Spartanburg Sanitary Sewer District is a Special Purpose District, established by the State of South Carolina, which is overseen by the Spartanburg Sanitary Sewer District Commission (hereinafter as, "SSSD").
4. SSSD owns eight wastewater treatment facilities throughout Spartanburg County.

Spartanburg Water.

5. Although SWS and SSSD are separate legal entities, they share: goals, facilities, business offices, employees, a general manager, a common customer service number and elected commissioners. Both entities, SWS and SSSD are operated under the rubric of “Spartanburg Water” (Spartanburg Water System and Spartanburg Sanitary Sewer District are denominated hereinafter together as, “Spartanburg Water”).

6. Because of their closely interrelated interests in this matter, SWS and SSSD, are filing this, “Joint Petition to Intervene”.

JOINT PETITION TO INTERVENE

7. On February 15, 2013, Duke Energy Carolinas, LLC, hereinafter as, “Duke”), filed an Application with the Public Service Commission of South Carolina, (hereinafter as, “Commission”) requesting authority from this Commission to adjust and increase its retail electric rates, charges and tariffs.

8. Spartanburg Water’s position is that, as to Duke’s proposed rate increase Spartanburg Water has a direct and material interest in the issues to be addressed and resolved by this Commission in this Docket.

9. Given the state of the record in this Docket at this stage of the proceedings, SWS and SSSD lack sufficient information at this time, to set forth its position in this matter with finality.

10. Spartanburg Water presently has thirteen facilities that will be directly impacted by Duke’s proposed increase to the MP tariff.

11. Spartanburg Water’s position is that they should be allowed to intervene in this Docket, with full rights of participation.

12. The granting of the Commission of Public Works of the City of Spartanburg, South Carolina’s Petition to Intervene and the Spartanburg Sanitary Sewer District’s Petition to Intervene, filed jointly, is in the public interest, is consistent with the policies of the Commission in encouraging maximum public participation in issues before it, and intervention should be allowed so that a full and complete record addressing their views and concerns can be developed.

13. The Commission of Public Works of the City of Spartanburg, South Carolina and the Spartanburg Sanitary Sewer District are represented by counsel in this proceeding:

Timothy F. Rogers
Richard L. Whitt
Austin & Rogers, P.A.
508 Hampton Street, Suite 300
Columbia, South Carolina 29201
Telephone: (803) 251-7442
Facsimile: (803) 252-3679

14. This Joint Petition is timely filed within this Commission's established deadline for intervention. Joint Petitioners are evaluating the time required for any presentation before the Commission, at the Hearing scheduled in this matter.

WHEREFORE, Joint Petitioners pray for the following relief:

- (a) That this Joint Petition to Intervene be accepted and that both Joint Petitioners be made parties of record;
- (b) That both Joint Petitioners be allowed to participate fully in this proceeding and take such positions as they deem advisable; and
- (c) For such other and further relief as is just and proper.

Respectfully Submitted,

/S/

Richard L. Whitt
AUSTIN & ROGERS, P.A.
508 Hampton Street, Suite 300
Columbia South Carolina, 29201
803-251-7442
Attorneys for Joint Petitioners, the Commission of
Public Works of the City of Spartanburg, South
Carolina and the Spartanburg Sanitary Sewer
District.

May 15, 2013
Columbia, South Carolina

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2013-59-E**

IN RE: Application of Duke Energy Carolinas,)
LLC for Authority to Adjust and Increase)
Its Electric Rates and Charges.)
)

CERTIFICATE OF SERVICE

I, Carrie A. Schurg, an employee of Austin & Rogers, P.A., certify that I have caused the Correspondence to Chief Clerk, Coversheet, Petitioner, Commission of Public Works of the City of Spartanburg, South Carolina and Petitioner, Spartanburg Sanitary Sewer District's Joint Petition to Intervene and this Certificate of Service, in the above referenced matter, to be served, via electronic mail on May 15, 2013, as addressed below.

(1) *Representing Duke Energy Carolinas, LLC*
Bonnie D. Shealy, Esquire
Robinson, McFadden & Moore, P.C.
bshealy@robinsonlaw.com

(2) *Representing Duke Energy Carolinas, LLC*
Charles A. Castle, Esquire
Duke Energy Carolinas, LLC
alex.castle@duke-energy.com

(3) *Representing Office of Regulatory Staff*
Courtney Dare Edwards, Esquire
Office of Regulatory Staff
cedwards@regstaff.sc.gov

(4) *Representing Wal-Mart Stores East, LP and Sam's East, Incorporated*
Derrick Williamson, Esquire
Spilman Thomas & Battle, PLLC
dwilliamson@spilmanlaw.com

(5) *Representing Duke Energy Carolinas, LLC*
Frank R. Ellerbe, III, Esquire
Robinson, McFadden & Moore, P.C.
fellerbe@robinsonlaw.com

(6) *Representing Duke Energy Carolinas, LLC*
Heather S. Smith, Esquire
Duke Energy Carolinas, LLC
heather.smith@duke-energy.com

(7) *Representing South Carolina Small Business Chamber of Commerce*
John J. Fantry, Jr., Esquire
Fantry Law
jfantry@bellsouth.net

(8) *Representing South Carolina Energy Users Committee*
Scott Elliott, Esquire
Elliott & Elliott, P.A.
sellott@elliottlaw.us

(9) *Representing Office of Regulatory Staff*
Shannon Bowyer Hudson, Esquire
Office of Regulatory Staff
shudson@regstaff.sc.gov

(10) *Representing Wal-Mart Stores East, LP and Sam's East, Incorporated*
Stephanie U. Roberts, Esquire
Spilman Thomas & Battle, PLLC
sroberts@spilmanlaw.com

(11) *Representing Duke Energy Carolinas, LLC*
Timika Shafeek-Horton, Esquire
Duke Energy Carolinas, LLC
timika.shafeek-horton@duke-energy.com

(12) *Representing John F. Wiebel*
John F. Wiebel
{No Organization Name Listed}
fritz5006@aol.com

[Signature Page Follows]

Docket Number 2013-59-E

May 15, 2013

Page 2 of 2

/S/

Carrie A. Schurg

May 15, 2013

Columbia, South Carolina